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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,230	09/15/2003	Zachariah Journey Baum		2487

7590 03/08/2006	**EXAMINER**
Aaron Wolf Baum	COLAN, GIOVANNA B
960 Natoma Street #3	

ART UNIT	PAPER NUMBER
2162	

San Francisco, CA 94103

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09/15/2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

DETAILED ACTION

1.   This action is issued in response to applicant filed application on 09/15/2003.

2.   Claims 1 – 16 are pending.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claim 1 – 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Eyal et

al. (US Patent App. Pub. No. 2004/0177096 A1, filed: January 24, 2000).

Regarding Claim 1, Eyal discloses a method for providing to a user media

suggestions based on lists associating media segment references using one or more

general purpose data processors (Page 5, [0062], lines 1 – 5, Eyal), comprising:

retrieving said lists (Page 4, [0036], lines 2 – 7, Eyal[1]) and parsing their media

segment references into searchable records comprising text descriptors of

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[1] Examiner interprets: accessing the addresses, which contain play-lists, as retrieving lists.

corresponding media segments (Page 10 and 11, [0127] and [0137], lines 6 – 8 and 6 –

14; respectively, Eyal[2]),

storing said records into memory available to said processor in combination with

any previously stored records (Fig. 6, item 470, Page 12, [0152], lines 4 – 6, Eyal),

receiving a user request comprising text descriptors and specification of an

output text descriptor type (Page 11 and 14, [0145] and [0177], lines 1 – 3 and 4 – 6;

respectively, Eyal),

searching said stored lists and retrieving lists comprising one or more records

comprising one or more text descriptors matching said user input text descriptors (Page

11, [0145], lines 3 – 5, Eyal[3]),

compiling a list of unique text descriptors of the output type that are present in

said retrieved lists (Page 11, [0145], lines 6 – 14, Eyal),

scoring each of said unique text descriptors of the output type according to the

number of said retrieved lists it appears in (Page 14, [0178], lines 1 – 7, Eyal), and

providing to said user a list of top-scoring text descriptors of said unique text

descriptors (Page 21, [0269], lines 4 – 8 and 14 – 16, Eyal[4]).

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[2] Eyal's disclosure teaches parsing media (Page 10, [0127], lines 6 – 8, Eyal). Eyal further discloses how the media information is stored according to searchable records (Page 11, [0137], lines 6 – 14, Eyal).
[3] Wherein user input text descriptor correspond to "nature sounds".
[4] Eyal's disclosure teaches methods for scoring text descriptors (related to media information) including rating them from best to worst (Page 21, [0269], lines 4 – 8, Eyal). Eyal further discloses that the rating information will be provided to other users (Page 21, [0260], lines 14 – 16, Eyal). This implies that "best to worst" scores will be displayed to users. Examiner interprets that "best to worst" scores implies that top scores and lowest scores will be displayed to users.

Regarding Claim 9, Eyal discloses a data processing system for providing to a

user media suggestions based on lists associating media segment references (Page 5,

[0062], lines 1 – 5, Eyal), comprising:

(a) a general purpose data processor of known type for processing data (Page 6,

[0077], lines 5 – 7, Eyal);

(b) data storage means for storing data on a storage medium (Fig. 4, item 247,

Page 8, [0104], lines 9 – 10, Eyal);

(c) means for retrieving said lists associating media segments (Page 4, [0036],

lines 2 – 7, Eyal[5]) and parsing them into searchable records comprising text descriptors

of corresponding media segments and storing said records into said data storage with

any previously stored records (Page 10 and 11, [0127] and [0137], lines 6 – 8 and 6 –

14; respectively, Eyal[6]);

(d) means for receiving a user request comprising text descriptors and

specification of an output text descriptor type (Page 11 and 14, [0145] and [0177], lines

1 – 3 and 4 – 6; respectively, Eyal);

(e) means for searching said stored lists and retrieving lists comprising one or

more records comprising one or more text descriptors matching said user input text

descriptors (Page 11, [0145], lines 3 – 5, Eyal[7]);

(f) means for compiling a list of unique text descriptors of the output type that are

present in said retrieved lists (Page 11, [0145], lines 6 – 14, Eyal);

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[5] Examiner interprets: accessing the addresses, which contain play-lists, as retrieving lists.
[6] Eyal's disclosure teaches parsing media (Page 10, [0127], lines 6 – 8, Eyal). Eyal further discloses how the media information is stored according to searchable records (Page 11, [0137], lines 6 – 14, Eyal).
[7] Wherein user input text descriptor correspond to "nature sounds".

(g) means for scoring each of said unique text descriptors of the output type

according to the number of said retrieved lists it appears in (Page 14, [0178], lines 1 – 7,

Eyal);

(h) means for providing to said user a list of top-scoring text descriptors of said

unique text descriptors (Page 21, [0269], lines 4 – 8 and 14 – 16, Eyal[8]).

Regarding Claim 2 and 10, Eyal discloses a data processing system wherein

said lists associating media segment references are retrieved through a data network

(Page 1, [0009], lines 7 – 8, Eyal).

Regarding Claim 3 and 11, Eyal discloses a data processing system wherein

said lists associating media segment references are HTML pages retrieved through a

TCP/IP network (Page 6 and 12, [0076] and [0156], lines 6 – 9 and 7 – 8, Eyal).

Regarding Claim 4 and 12, Eyal discloses a data processing system wherein

said retrieval, parsing and storage of said lists associating media segment references is

automatically performed as new lists become available (Page 2, [0015], lines 14 – 19,

Eyal).

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[8] Eyal's disclosure teaches methods for scoring text descriptors (related to media information) including rating them from best to worst (Page 21, [0269], lines 4 – 8, Eyal). Eyal further discloses that the rating information will be provided to other users (Page 21, [0260], lines 14 – 16, Eyal). This implies that "best to

Regarding Claim 5 and 13, Eyal discloses a data processing system wherein the locations of said lists associating media segment references is stored in a master list (Fig. 20, item 2075, Page 19, [0253], lines 1 – 5, Eyal).

Regarding Claim 6 and 14, Eyal discloses a data processing system wherein the scores of said unique text descriptors of the output type is modified by adding the number of unique locations of said master list on which said unique text descriptor has been found, multiplied by a weighting factor (Page 17, [0217], lines 5 – 11, Eyal[9]).

Regarding Claim 7 and 15, Eyal discloses a data processing system wherein said user requests are the descriptors of media segments just purchased or served to a user, sent automatically as a consequence of said purchasing or serving (Fig.11, items 982 and 984, Eyal).

Regarding Claim 8 and 16, Eyal discloses a data processing system wherein media segments corresponding to said top-scoring text descriptors are automatically made available to a user (Page 21, [0269], lines 4 – 16, Eyal[10]).

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worst" scores will be displayed to users. Examiner interprets that "best to worst" scores implies that top scores and lowest scores will be displayed to users.

[9] Wherein rating corresponds to weight claimed.

[10] According to Eyal's disclosure, the rating information will be displayed to the user (Page 21, [0269], lines 14 – 16, Eyal). Examiner interprets that this rating information will include top-scoring information also. In addition, Examiner interprets this procedure to be automatically, not only because manual intervention is not necessarily involved, but also because Eyal's teachings disclose automatic methods (Page 16, [0207], lines 4 – 5, Eyal).

Prior Art Made Of Record

1.   Eyal et al. (US Patent App. Pub. No. 2004/0177096 A1, filed: January 24, 2000) discloses a streaming media search system.

2.   Rapaport et al. (US Patent No. 5,890,152) discloses a personal feedback browser for obtaining media files.

3.   Bolle et al. (US Patent No. 6,675,174 B1) discloses a system and method for measuring similarity between a set of known temporal media segments and a one or more temporal media streams.

4.   Bolle et al. (US Patent App. Pub. No. 2003/0033347 A1) discloses a method and apparatus for inducing classifiers for multimedia based on unified representation of features reflecting disparate modalities.
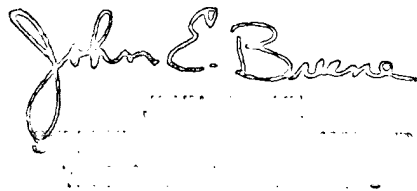
Points Of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Giovanna Colan whose telephone number is (571) 272-2752. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Giovanna Colan
Examiner
Art Unit 2162
February 27, 2006